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ABSTRACT

Reported were the results of a survey on the sterilization of the mentally ill and the mentally retarded. Thirty-three states responded to the survey. It was found that 17 states have a sterilization statute, but the existence of the statute was explained not to mean that the procedure was used. Sixteen states responded that they did not have a sterilization statute. Of those states replying to the survey, none reported strong pressures either for or against sterilization statutes. (CB)

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N A S M H P D

STUDIES

- MENTAL HEALTH
- MENTAL RETARDATION

Study #240
(Updating Study #18)

May, 1972

STERILIZATION OF THE MENTALLY ILL AND THE MENTALLY RETARDED

33 states responded to this survey:

- 17 States replied that they have a sterilization statute. The existence of the statute does not mean that the procedure is used, however.
- 16 States do not have a sterilization statute.
- Of those states that responded to this survey, none reported strong pressures either for or against sterilization statutes.

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PART I

THE FOLLOWING STATES

HAVE A STERILIZATION STATUTE

STATE	EXTENT TO WHICH THE STATUTE HAS BEEN USED
Alabama	Partlow State School & Hospital - none since 1934 Bryce State Hospital - none in recent history Searcy State Hospital - none in recent history
Alaska	Alaska has accomplished some sterilization procedures on the mentally retarded but, so far, there is no pressure to do anything on the statutes concerning mental illness or mental retardation this year.
Arizona	Arizona has a long-standing statute providing for sterilization. There have been no sterilizations for the last few years.
Arkansas	(No additional comments)
California	For both mentally ill and mentally retarded patients, authorizations for sterilizations were obtained for: 19 patients in 1966 9 patients in 1967 15 patients in 1968 4 patients in 1969 7 patients in 1970
Delaware	(No additional comments)
Georgia	A few sterilizations No pressure has developed either for or against sterilizations
Michigan	Occasionally - no central recording of sterilizations No pressure has developed over sterilizations
New Hampshire	None in the past 10 years No pressure has developed either for or against sterilization
North Carolina	North Carolina still has its Eugenics Board where cases regarding sterilization of both mentally ill and mentally retarded persons are reviewed Between 1964 and 1970 1531 petitions for operations were presented and 1220 operations were authorized (includes MR, MI and epilepsy; in 1967 epilepsy was removed). Sterilization is almost always voluntary with consent given either by the patient, the next of kin or both.
North Dakota	A new sterilization code was enacted by the 1967 Legislative Assembly (an earlier statute was repealed by the 1965 Legislative Assembly).

PART I (cont.)

THE FOLLOWING STATES
HAVE A STERILIZATION STATUTE

STATE	EXTENT TO WHICH THE STATUTE HAS BEEN USED
Oklahoma	Oklahoma has statutes on sterilization; however, this procedure is not used.
Oregon	60 from 1962 - 1965(MR); Very few for MI No pressure has developed over sterilization
South Carolina	Sterilization of the MI and MR in S.C. is covered in the S.C. Code of Laws, Article 7, Section 32-671 - 32-678 31 sterilizations performed July 25, 1966 - May 31, 1971 (19 were MR cases from State's Training School; 12 were patients from two state hospitals)
Virginia	1965 - 24 1966 - 33 1967 - 15 1968 - 16 1969 - 19 1970 - 9 1971 - 7 (No pressure has developed over the sterilization issue)
West Virginia	(There is a statute on the sterilization of defectives) Three new bills regarding sterilization were introduced in the 1971 session of the West Virginia Legislature, but none of the bills passed. All of the bills introduced on this subject were referred to a joint committee composed of members of the House and Senate for further study.
Wisconsin	16 MR from 1961-1964; none since A bill is now pending in the legislature which would repeal sterilization law.

PART II

THE FOLLOWING STATES DO NOT HAVE A STERILIZATION STATUTE

STATE	COMMENTS
Colorado	Colorado has no laws which specifically pertain to sterilization of the mentally ill or retarded. A few such people in recent years have been sterilized, some at their own request and a few others, especilly in the case of the mentally retarded, were sterilized after parental permission had been obtained. There has been no pressure by any group for or against sterilization.
D.C.	No pressures for the District of Columbia at this time
Florida	(No additional comments)
Hawaii	Some interest in family planning
Kansas	Until 1965 there was a statute covering sterilization. Now sterilization procedures for MI or MR patients are the same as for any citizen in the state.
Louisiana	No pressure has developed either for or against sterilization
Massachusetts	Massachusetts has no sterilization statute. This procedure is handled as any other operative procedure, that is, it requires consent of the person or his parent or guardian. If there is assent from the person if competent, and his parents or legal guardian if not competent, the operation may be done if it is therapeutically indicated. The D.M.H. is not aware of any organized pressure on the sterilization issue.
Missouri	(No additional comments)
Nebraska	From 1963 - 1966, 36 sterilizations. None after 1966. Laws repealed 1969, LB 547.
New Jersey	New Jersey Statutes Title 30:11-9 : "Practices Contrary to Beliefs of Religious Denominations; Facilities Available in Vicinity; Healing by Prayer; in which it is expressly forbidden to the licensing agency to have the power or authority to require any hospital to practice or permit sterilization, euthanasia, birth control or any other similar practice contrary to the dogmatic or moral beliefs of any well established religious body or denomination, etc. It is also a crime to sterilize a mental defective for that reason."

PART II (CONT.)

THE FOLLOWING STATES DO NOT HAVE A STERILIZATION STATUTE

STATE	COMMENTS
New York	No pressure either for or against sterilization
Ohio	No pressure has developed either for or against sterilization
Pennsylvania	No pressure either for or against sterilization has occurred
Rhode Island	(No addtional comments)
Texas	No pressure being exerted for a statute
Wyoming	No pressure has developed

STATE RESPONSE NOT AS YET RECEIVED:

Connecticut	Maine	Puerto Rico
Guam	Maryland	South Dakota
Idaho	Minnesota	Tennessee
Illinois	Mississippi	Utah
Indiana	Montana	Vermont
Iowa	Nevada	Virgin Islands
Kentucky	New Mexico	Washington

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